

RESPONSE OF THE WESTERN AUSTRALIAN  
GOVERNMENT TO THE

WESTERN AUSTRALIAN LEGISLATIVE COUNCIL  
STANDING COMMITTEE ON ENVIRONMENT AND  
PUBLIC AFFAIRS

IN RELATION TO

THE ALCOA REFINERY AT WAGERUP INQUIRY

June 2005

## **STRUCTURE OF THE REPORT**

1.0	BACKGROUND .....	3
2.0	KEY THEMES .....	5
2.1	THEME 1: Legislative Framework .....	5
2.2	THEME 2: Environmental Health Investigation and Management.....	6
2.3	THEME 3: Departmental Systems.....	8
2.4	THEME 4: Alcoa Operations.....	10
3.0	SPECIFIC RESPONSES TO RECOMMENDATIONS .....	11
4.0	GOVERNMENT RESPONSE TO MINORITY REPORT OF HON CHRISTINE SHARP MLC AND HON JIM SCOTT MLC .....	21

## **GLOSSARY**

DoE	Department of Environment
DoH	Department of Health
DoIR	Department of Industry and Resources
DoCEP	Department of Consumer and Employment Protection
EHF	Environmental Health Foundation
EIA	Environmental Impact Assessment
EPA	Environmental Protection Authority
ERMP	Environmental Review and Management Plan
HIA	Health Impact Assessment
Ministerial Council	Ministerial Council on Health, Environment and Industry Sustainability
MPF	Wagerup Medical Practitioners Forum
PER	Public Environmental Review

## 1.0 BACKGROUND

The Legislative Council Standing Committee on Environment and Public Affairs ('the Committee') conducted an inquiry into the Alcoa refinery at Wagerup. The inquiry commenced in November 2001 and considered several key issues:

- The operations and impacts of Alcoa's Wagerup refinery;
- The adequacy of responses from government departments and agencies to the problems at Wagerup;
- Alcoa's recognition of, and response to, the issues relating to the refinery;
- As to whether these issues have now been resolved;
- Lessons to be learned from the Wagerup experience;
- Issues for the consideration of the Western Australian government; and
- The future for Alcoa's Wagerup refinery.

A Report from the Committee containing twenty nine recommendations, and a Minority Report of the Hon Christine Sharp MLC and Hon Jim Scott MLC were tabled in the Legislative Council on 28 October 2004.

Recommendations in the Committee Report and concerns raised in the Minority Report have been carefully considered by the Ministerial Council on Health, Environment and Industry Sustainability<sup>1</sup> ('the Ministerial Council') and relevant government departments on behalf of Government.

In developing this Government response, it is recognised that the Committee has detailed a large number of individual findings in its Report. Government notes the Committee statement that:

“Due to the emotive nature of some matters raised during the inquiry, a number of witnesses made statements and provided submissions of their opinion regarding certain matters that contradicted other evidence received. The Committee has included these contradictory statements to illustrate the complexity of the issues raised. Where appropriate, counter-balancing responses to these statements have been obtained from relevant parties.

The Committee's role is not to adjudicate as a court of law on the issues raised during this inquiry. The Committee's approach in this report has been to focus on the response by Alcoa and government departments and agencies to the issues raised. The Committee has examined the evidence and made recommendations to help prevent similar problems occurring in the future in Western Australia.”<sup>2</sup>

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<sup>1</sup> The Ministerial Council on Health, Environment and Industry Sustainability consists of six Ministers and effectively operates as a subcommittee of Cabinet. Although issues associated with Alcoa's refinery at Wagerup were the initial impetus for the Ministerial Council, its interest has expanded to other matters relevant to health, environment and industry sustainability in Western Australia.

<sup>2</sup> Paragraphs 9 and 10 of Executive Summary and Recommendations, Report of the Standing Committee on Environment and Public Affairs, Alcoa Refinery at Wagerup Inquiry (Report 11) October 2004.

In preparing this response, Government has not sought to resolve these individual contradictory findings. Nor does it acknowledge the veracity of any or all of these findings. However, Government does accept that the Committee has reviewed those individual findings and seen it fit to draw Government's attention to twenty nine aspects through its recommendations. Government therefore considers that it is appropriate to provide specific responses to these recommendations only.

Further, Government is aware that many findings included in the Report represent matters which were relevant at the time they came before the Committee. The Government therefore recognises that there is a risk that, due to rapidly changing circumstances in relation to many of the matters that were subject to inquiry by the Committee, some of the findings may not accurately reflect current circumstances and are therefore only relevant in a historical perspective. In such cases these findings should not necessarily form the basis of current or future deliberations or actions.

As noted by the Committee, many initiatives discussed in the Report have already commenced.<sup>3</sup> However, where new issues have been identified and are consistent with Government's commitment to finding long term solutions to issues associated with Alcoa's refinery and areas in the vicinity of Wagerup, these will be readily incorporated into existing initiatives or addressed through the introduction of new programs.

Since its establishment in early 2002, the Ministerial Council has been instrumental in providing a co-ordinated whole-of-Government strategy to the very significant amount of work that has, and continues to be undertaken to address issues associated with Alcoa's refinery and Wagerup.

It is important to recognise that current initiatives relevant to Alcoa's Wagerup Refinery being undertaken by the Ministerial Council and government departments are focussed on and associated with Alcoa's existing refinery operations. The Environmental Protection Authority (EPA) is currently undertaking its independent assessment of Alcoa's proposed Wagerup Unit III expansion through an Environmental Review and Management Plan (ERMP) process, the highest level of environmental impact assessment in Western Australia.

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<sup>3</sup> Paragraph 1.16 of Report of the Standing Committee on Environment and Public Affairs, Alcoa Refinery at Wagerup Inquiry (Report 11) October 2004.

## **2.0 KEY THEMES**

The recommendations in the Committee's Report can be collated into four distinct key themes, namely:

- Legislative framework issues;
- Environmental Health investigation and management;
- Departmental systems; and
- Alcoa operations and impacts.

Each of these key themes are discussed in further detail below. Specific responses to each of the recommendations are detailed in Section 3.

### **2.1 THEME 1: LEGISLATIVE FRAMEWORK**

Relevant recommendations: 11, 23, 26, 27, 28 and 29.

The Committee's Report identifies a number of issues relevant to existing legislative frameworks.

As part of ongoing reforms, several significant components of the legislative and regulatory framework applicable to major industrial premises, such as Alcoa's refinery at Wagerup, have recently been amended or are the subject of proposed amendments.

Significant amendments to the *Environmental Protection Act, 1986* occurred in November 2003 that introduced a range of new regulatory measures. The *Contaminated Sites Amendment Bill 2005* is awaiting passage through Parliament.

The amendments to the *Mine Safety and Inspection Act 1994* have been proclaimed and from 4 April 2005 will result in a closer alignment of this legislation to the *Occupational Health and Safety Act 1984*.

The Government will continue to ensure that the legislative and regulatory framework underpinning the health and safety of both workers and the broader community, and the protection of the environment remains relevant and progressive.

## **2.2 THEME 2: ENVIRONMENTAL HEALTH INVESTIGATION AND MANAGEMENT**

Relevant recommendations: 3, 4, 5, 6, 7, 8, 9, 10, and 22.

The investigation and management of environmental health issues associated with Alcoa's refinery and residents in the vicinity of Wagerup, has and continues to be the focus of a very significant amount of work.

Although there is evidence that some health symptoms amongst Alcoa employees and residents exist, it is important to recognise that current emissions from the Alcoa refinery at Wagerup are generally well below nationally and internationally defined, health impact based, standards.

This has resulted in a situation where providing definitive health advice is very difficult as there is no recognisable causal link to health symptoms. The lack of a robustly demonstrated causal link is acknowledged by the Committee.<sup>4</sup> This situation has resulted in a range of initiatives being undertaken, as identified below.

### *Wagerup Medical Practitioners Forum*

The Wagerup Medical Practitioners Forum (MPF) was established by the Ministerial Council during 2002, was chaired by Professor D'Arcy Holman and included eminent medical professionals and experienced general practitioners. Having investigated Wagerup issues, received community submissions and held community meetings, the MPF provided the Ministerial Council with a series of recommendations.

The basic thrust of the strategy since the establishment of the MPF has been to require and facilitate the reduction of emissions from the refinery, deal sensitively with those individuals affected and to continue to monitor air quality in an effort to better manage the reduction of impacts on the community.

The Ministerial Council continues to oversee implementation of MPF recommendations across Government.

### *Yarloop Community Health Clinic and Community Health Nurse*

In response to the MPF, the Yarloop Community Clinic opened in October 2002 so those members of the community that felt they were being impacted by refinery emissions could gain direct access to an independent health assessment.

A Community Health Nurse was appointed for an initial period of six months and this was extended twice for a total duration of 15 months. By December 2003 inquiries had declined substantially and accordingly the Clinic was closed. The nurse, who had developed a strong interface with the community, provided a detailed report on the activities of the clinic at this time.

Inquiries to the clinic are now being redirected to the South West Population Health Service, and a part-time Department of Community Development (DCD) Field Officer fulfils this role.

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<sup>4</sup> Paragraph 12 of Executive Summary and Recommendations, Report of the Standing Committee on Environment and Public Affairs, Alcoa Refinery at Wagerup Inquiry (Report 11) October 2004.

A specific response to the recommendation that Government review its decision to close the Yarloop Community Clinic (recommendation 4) is provided in Section 3.

#### *Environmental Health Foundation*

The Ministerial Council has approved the creation of an Environmental Health Foundation (EHF) as a body of eminent technical experts, to provide independent advice to the Government on the human health effects of exposure to hazardous or potentially hazardous substances.

The Foundation consists of four core members and will co-opt other members from a broader list of experts from within Australia and internationally when required for specific issues.

Specific responses to the recommendations regarding the membership, matters to be considered by the EHF and reporting mechanisms (recommendations 5, 6, 7 and 8) are provided in Section 3.

#### *Proposed Health Survey of Yarloop Community.*

While there is documented evidence that some residents in Yarloop have experienced symptoms commonly attributed to industrial emissions, the extent of the problem and whether it is of long standing remains unknown. Additionally, there is no quantifiable data on the health and wellbeing of the total population residing in and around Yarloop.

The need for data that can be compared with an existing benchmark set of health status indicators so that changes over time can be tracked and quantified and any interventions can be evaluated against health outcomes is recognised and being acted upon.

The survey will provide quantifiable evidence on the health and wellbeing of Yarloop and the surrounding area residents prior to the commissioning of any refinery expansion. This will allow comparison with any studies post commissioning. The scope of the survey is being progressed and will be included in the Environmental Review Management Programme (ERMP).

This initiative reflects the ongoing commitment to continue finding a resolution to the Wagerup environmental health issues and to develop an integrated long term approach to wider matters of community concern regarding health issues.

### 2.3 THEME 3: DEPARTMENTAL SYSTEMS

Relevant recommendations: 1, 2, 15, 16, 19, 20, 21, 24 and 25.

#### *Department of Industry and Resources*

The Department of Industry and Resources (DoIR) regulates and protects employees in the minerals industry by administering the *Mines Safety and Inspection Act 1994* and *Mines Safety and Inspection Regulations 1995*.

This legislation defines standards of safety, with companies developing and implementing safety systems that meet these standards. DoIR also undertakes technical assessment and review of projects, including changes to process technology.

DoIR's health surveillance program for mine employees (Minehealth), atmospheric monitoring database (Contam) and accident reporting database (Axtat) are used to plan audits and inspections, plus implement monitoring, planning and engineering programs.

The storage handling and transport of dangerous goods are also administered by DoIR to minimise the risk associated with the storage handling and transport of dangerous goods. DoIR has established closer liaison with DoE in recent years on issues such as dangerous goods management, including spillage control at all three Alcoa refineries.

#### *Department of Health*

The Department of Health (DOH) has provided significant ongoing input into assessing the results of emission monitoring programs undertaken by the Department of Environment and Alcoa. Whilst no individual compound has exceeded health guideline values at this point, it is not possible to accurately predict the cumulative impact of the high number of compounds. The issue of Multiple Chemical Sensitivity (MCS) received significant comment in the Standing Committee's Report, with complaints being received from nearby residents. Alcoa's agreement to undertake a community health survey and to include the scope of the survey in the Environmental Review Management Programme (ERMP), will substantially add to the knowledge of the health status of local residents.

The Government has recognised the advantages of an Environmental Health Foundation, which has now been established under the *Health Legislation Administration Act 1984*.

The DOH continues to provide significant resources to the emission monitoring program, and to providing an interface with the local communities.

### *Department of Environment*

The DoE's industry licensing function under Part V of the *Environmental Protection Act, 1986* has changed in structure and organisation following the amalgamation of the Water and Rivers Commission and the Department of Environmental Protection. As a result of these changes and the additional resources that have been provided to this area, there have been improvements in efficiencies and effectiveness.

Most significantly, the licensing officer function is now devolved to the regional offices, which means that regions now undertake all facets of industry licensing while licensing policy is developed by the Environmental Management Division in Perth.

For the Wagerup premises, this means that all three Alcoa refineries (Kwinana, Pinjarra and Wagerup) and the associated mines, are managed from the one regional office. This has assisted in developing expertise in one office for this industry area and moving towards a more consistent licensing approach to all three premises. Technology transfer across premises is now also better focused. The DoE's licensing function is also supported by expertise from other Divisions, especially the Air Quality Management Branch, as required.

Based upon an independent strategic review of licence conditions, undertaken by Welker Environmental Consultancy ('the Welker Review') in 2003, and DoE's own reform agenda, a process of systematically reviewing all industry licences has commenced. This review process is, with the assistance of a series of stakeholder working groups, improving the consistency, enforceability of industry licensing and regulation.

## 2.4 THEME 4: ALCOA OPERATIONS

Relevant recommendations: 12, 13, 14, 17 and 18.

Over the past two years, the DoE has required significant emission reductions from Alcoa's Wagerup Refinery. These reductions have been achieved through the expenditure in excess of \$36 million by Alcoa.

Alcoa's 2004/2005 licence to operate the Wagerup Refinery was issued by the DoE on 12 August 2004 for period of one year. The licence builds on recent efforts to enhance environmental management at the site and address areas of community and stakeholder concern. Enhanced dust, noise and emissions management conditions were included.

The new licence included conditions requiring Alcoa to:

- progress implementation of the recommendations in the recent CSIRO Wagerup Air Quality Review.
- progress strategies for the alternative management of sodium oxalate storage and disposal.
- conduct an environmental risk assessment of chemical storage and containment at the refinery. (Note: Under the licence, Alcoa is required to document and assess the environmental risks associated with current chemical storage and containment at the refinery as a precursor to implementing work to address, as a priority, aspects where high or medium risks are identified.)
- report on noise monitoring results. (Note: Noise limits for the refinery's operation are the subject of a separate determination by the EPA under Regulation 17. The EPA is yet to make its determination in this respect. However under the new licence, Alcoa is required to enhance its program to deal with noise issues, which includes conducting a feasibility study covering matters such as monitoring locations, modeling, complaint handling protocols and online community access to noise information via the internet).
- operate a monitoring program to measure dust levels from the residue disposal areas in line with CSIRO recommendations.
- manage calciner emissions to defined levels which are below historic levels.

The DoE will ensure that emissions, of environmental significance, from the current operation will not be increased and every effort is made to reduce them as has occurred via the latest licence issued for the 2004/2005 period.

### 3.0 SPECIFIC RESPONSES TO RECOMMENDATIONS

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 1: Page 46</b> The Committee recommends that Government agencies and regulatory authorities should use the term ‘emissions’ rather than ‘odours’ to describe general emissions from the refining process.</p>	All	<p>Government <b>supports</b> this recommendation.</p> <p>‘Emissions’ is the correct term to be used to describe general emissions from stack and non-point sources from the refinery. This is distinct from terms such as ‘odour’ that may be referred to when describing ambient air quality.</p>	Immediate
<p><b>Recommendation 2: Page 46</b> The Committee recommends that the Department of Environment establish a more readily accessible and transparent complaint handling system which includes formal acknowledgment when a complaint is registered.</p>	DoE	<p>Government <b>supports</b> this recommendation.</p> <p>The DoE introduced a new Incident and Complaints Management System (ICMS) in March 2004.</p> <p>The use of ICMS and the DoE complaint handling procedure ensure all complaints registered are acknowledged.</p>	Already Actioned
		<p>Information to members of the community as to how to lodge a complaint will be added to the DoE website.</p>	June 2005
<p><b>Recommendation 3: Page 135</b> The Committee recommends that the Department of Health, as a matter of priority, establish a discrete, organised public health response to the situation at Wagerup. This should comprise, in part:</p>	DoH DoIR	<p>Government <b>supports</b> this recommendation through the existing Healthwise study and proposed health survey.</p>	
<ul style="list-style-type: none"> <li>a long-term health surveillance program, backdated to 1996, and include current and former employees at the Alcoa refinery at Wagerup, current and former contractors at the Alcoa refinery at Wagerup and current and former members of the local communities of Yarloop, Hamel and Cookernup;</li> </ul>		<p>There are practical difficulties with the proposed historical health surveillance program. Options should be considered after the Yarloop health survey (see below) is completed. The need to trace former residents and workers/contractors should be dependent on the results of the survey of the present population. Any such program would need to be voluntary and DoH experience with this type of program is problematical.</p>	Options to be considered after Yarloop health survey (see below)
<ul style="list-style-type: none"> <li>a health audit of the total population of Yarloop. This health audit should be repeated in five years time; and</li> </ul>		<p>A health survey of the Yarloop and surrounding population is presently being planned. A repeat of the survey should be considered after results from the first audit are obtained.</p>	June 2005
<ul style="list-style-type: none"> <li>counselling and referral to appropriate health services being made available.</li> </ul>		<p>To ensure continuity of care, it is preferable that this be undertaken in consultation with a person’s General Practitioner, or in conjunction with the South West Population Health Unit.</p>	Already Actioned

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 4: Page 136</b> The Committee recommends that the Government review its decision to close the Yarloop Community Clinic.</p>	DoH	<p>Government <b>supports</b> the ongoing review of the effectiveness of the Yarloop Community Clinic</p> <p>The clinic was a fixed term project to gather data and report on health issues in the area.</p> <p>The term of the Community Health Nurse was extended beyond the original term. The number of occasions of service by members of the community decreased significantly to the extent that it was no longer viable to maintain the position.</p> <p>A final report was submitted to the DoH and Medical Practitioner’s Forum early in 2004. The cohort of residents reporting to the Community Nurse had stabilised and support strategies introduced. The reported high rates of social health issues in the area indicated a need for a different service, focusing on health promotion, counselling, family and relationship interventions at a community level. A DCD Family and Community Support Program now operates out of the Hospital.</p>	Ongoing.
<p><b>Recommendation 5: Page 136</b> The Committee recommends that the Government give immediate priority to the establishment and long-term funding of an Environmental Health Foundation, to be independent from Government but required to report to the Minister for the Environment and the Minister for Health.</p>	Ministerial Council on Health, Environment and Industry Sustainability	<p>Government <b>supports</b> this recommendation.</p> <p>The Ministerial Council has established the EHF.</p> <p>Issues for the EHF will be referred through the Ministerial Council with reports provided back to the Ministerial Council from the EHF.</p> <p>The Ministers for Environment and Health will therefore be included in the reporting process.</p>	EHF has been established.
<p><b>Recommendation 6: Page 136</b> The Committee recommends that the Government should cause all reports received from the Environmental Health Foundation to be tabled before each House of Parliament.</p>	Ministerial Council on Health, Environment and Industry Sustainability	<p>Government <b>supports</b> this recommendation to the extent that the EHF Concept Paper approved by the Ministerial Council nominates that reports of the EHF will be made public.</p> <p>The Ministerial Council will decide whether tabling of reports in each House of Parliament is appropriate.</p>	To be determined as reports are received from the EHF.

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 7: Page 136</b> The Committee recommends that the membership of the EHF include community representation.</p>	<p>Ministerial Council on Health, Environment and Industry Sustainability</p>	<p>Government <b>does not support</b> this recommendation. The EHF is an expert body rather than a representative group composed of health experts and will include medical professionals where appropriate.</p>	<p>-</p>
<p><b>Recommendation 8: Page 136</b> The Committee recommends that that the Environmental Health Foundation report to Government on, among other things:</p> <ul style="list-style-type: none"> <li>• diagnostic tools available for cases of multiple chemical sensitivities; for example, the use of chromosome testing;</li> <li>• treatment options for managing the condition of people who have multiple chemical sensitivities;</li> <li>• methodologies for the carriage of health surveillance programs;</li> <li>• methodologies for the carriage of health impact assessments; and</li> <li>• reviewing the current exposure standards for arsenic and bringing them in line with international standards.</li> </ul>	<p>Ministerial Council on Health, Environment and Industry Sustainability</p>	<p>Government <b>notes</b> this recommendation. The Government has established the EHF and is currently assessing priority matters for referral.</p>	<p>The EHF has been established.</p>
<p><b>Recommendation 9: Page 137</b> The Committee recommends that the Government facilitate the development of the study of environmental health in Western Australia, particularly in the area of environmental toxicology to ensure the availability of fully qualified, experienced and independent toxicologists.</p>	<p>DoH</p>	<p>Government <b>supports</b> this recommendation, however the recruitment of fully qualified, experienced and independent toxicologists is an issue for all State and Territory agencies and the Australian Government. Long term strategies are presently being considered to assist in addressing this situation. The situation is not confined to environmental toxicology, but the majority of the environmental health workforce. Academic institutions are aware of this issue and will work with health agencies to redress the matter.</p>	<p>Strategies are currently being considered.</p>

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 10: Page 137</b> The Committee recommends that the Department of Health should ensure access to appropriate medical expertise and diagnostic health and support services for people with multiple chemical sensitivities and other chemical injuries.</p>	DoH	<p>Government <b>supports the intent</b> of this recommendation.</p> <p>People with more clearly defined chemical injuries already have access to a specialist clinical toxicological service conducted by the RPH Emergency Department.</p>	Ongoing
<p><b>Recommendation 11: Page 164</b> The Committee recommends that the Government consider amending the <i>Workers Compensation and Rehabilitation Act 1981</i> in relation to the recognition of cover for those people who may have symptoms of multiple chemical sensitivities and in so doing to seek advice from the proposed Environmental Health Foundation and other relevant stakeholders.</p>	Work Cover WA DoH	<p>Government <b>supports the intent</b> of this recommendation, however there is no clinical diagnosis for MCS and recent research has not been conclusive as to the possible cause of the condition. Further progress is dependant on adoption of a widely accepted medical definition and diagnosis for MCS.</p> <p>WorkCover WA is monitoring developments with regard to the syndrome known as multiple chemical sensitivity (MCS). MCS is not a compensable disease under the Workers' Compensation and Rehabilitation Act 1981.</p>	Progress dependant on the adoption of a widely accepted medical definition and diagnosis for MCS.
<p><b>Recommendation 12: Page 225</b> The Committee recommends that the proposed CSIRO Wagerup Air Quality Research Program be undertaken as a priority.</p>	DoE	<p>Government <b>notes</b> that this recommendation has been superseded.</p> <p>Technical elements of the proposed CSIRO 'Wagerup Air Quality Program' have been superseded by CSIRO's report entitled 'Review of Air Quality at Wagerup'. This more recent CSIRO investigation reviewed over 100 documents relating to the Wagerup issue and resulted in 18 recommendations.</p> <p>Alcoa has already been required to implement all 18 recommendations of this report as a condition of its 2004 licence issued under the <i>Environmental Protection Act 1986</i> in August of this year.</p> <p>Key social elements of the proposed CSIRO 'Wagerup Air Quality Program' are being appropriately progressed via other initiatives such as the Pinjarra-Brunswick Sustainability Strategy.</p>	Already actioned.

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 13: Page 225</b> The Committee recommends that the Department of Environment work with Alcoa to take immediate action to remediate contaminated ground water at Alcoa's refinery at Wagerup.</p>	DoE	<p>Government <b>supports</b> this recommendation.</p> <p>The extent of contamination will continue to be accurately defined to develop and implement an appropriate management plan.</p>	Already actioned.
<p><b>Recommendation 14: Page 225</b> The Committee recommends that the Department of Environment investigate methods of extraction of water from the Harvey River to ensure that water being extracted by Alcoa occurs only during periods of peak nutrient levels.</p>	DoE	<p>Government <b>supports the intent</b> of this recommendation, however Alcoa's existing water allocation licence under the <i>Rights in Water and Irrigation Act 1914</i> already limits the extraction of water from the Harvey River to periods that ordinarily coincide with peak nutrient levels, by requiring that extraction occurs only between May and October.</p> <p>The DoE will continue to regulate and review this approach to ensure water extraction on this basis does not significantly impact downstream flows.</p>	Already actioned.
<p><b>Recommendation 15: Page 225</b> The Committee recommends that at the planning stage for new industries and for the expansion of existing facilities in Western Australia, the Department of Environment should require emissions dispersion modelling to use site specific data rather than generic meteorological data unless a specific exemption is warranted.</p>	DoE	<p>Government <b>supports</b> this recommendation.</p> <p>This recommendation is consistent with DoE's current approach, although DoE's Air Quality and Air Pollution Modelling Guidance Notes (June 2000) will be reviewed and updated to clearly state the default position of requiring site specific data for dispersion modelling unless a specific exemption is warranted.</p> <p>The review of DoE's Guidance Notes will also provide guidance and procedures to assess when specific exemptions to having site specific data for dispersion modelling will be considered. The default requirement may be relaxed where site specific data does not represent the most practicable and reliable solution.</p> <p>The Environmental Protection Authority (EPA) requires scoping documents prepared by proponents of proposals undergoing formal assessment to be consistent with DoE's Guidance Notes.</p>	<p>Approach already in place.</p> <p>DoE's Air Quality and Air Pollution Modelling Guidance Notes were reviewed by March 2005.</p>

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 16: Page 225</b> The Committee recommends that the Department of Environment should assess licensed industrial premises in Western Australia to determine the appropriateness, in each case, of requiring continuous emissions monitoring.</p>	DoE	<p>Government <b>supports</b> this recommendation. DoE is already assessing the appropriateness of continuous emissions monitoring at licenced industrial premises through its regulatory reform program and Statewide review of all licences.</p>	Program has already commenced.
<p><b>Recommendation 17: Page 225</b> The Committee recommends that the Department of Environment, as a matter of priority, cause an effective dust suppression program to be implemented at the residue disposal areas at the Alcoa refinery at Wagerup.</p>	DoE	<p>Government <b>supports</b> this recommendation. A requirement on Alcoa to review and enhance the dust suppression program at Wagerup is already required in Alcoa's 2004 licence. In January 2005 work commenced to improve dust control measures to meet best practice. Similar best practice dust suppression techniques are being extended to all Alcoa sites.</p>	Already required under the August 2004 licence.
<p><b>Recommendation 18: Page 308</b> The Committee recommends that the State Government take critical note of current breaches of the existing noise limits for Alcoa's Wagerup refinery in its consideration of the proposal to increase production from the refinery.</p>	Minister for Environment	<p>Government <b>supports the intent</b> of this recommendation. Existing noise levels from the refinery, proposed noise levels and Alcoa's application for an exemption from the standards prescribed in the <i>Environmental Protection (Noise) Regulations 1997</i>, are being considered by the EPA in undertaking an Environmental Impact Assessment (EIA) of the proposal to increase in production.</p>	When the EPA has reported to the Minister for Environment
<p><b>Recommendation 19: Page 365</b> The Committee recommends that significant increased funding be provided by the State Government to the Department of Environment in line with funding in other States to enable it to adequately carry out its regulatory role.</p>	Government	<p>Government <b>supports the intent</b> of this recommendation as significant funding increases have been provided by Government in recent years to ensure that the DoE can perform its regulatory role. Periodic assessments of this issue are undertaken as a matter of course and comparisons with other jurisdictions can be included in that process. Further assessment as part of the Keating Review are being undertaken.</p>	Already actioned and ongoing.

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 20: Page 365</b> The Committee recommends that the Government, as a matter of priority, develop and finalise air emission guidelines specific to Western Australia and that these should include volatile organic compounds (VOCs) and standards for multiple chemical exposure.</p>	DoH DoE	Government <b>supports the intent</b> of this recommendation to the extent that Western Australian emission guidelines remain consistent with the National framework. Derivation of additional air standards will be in accord with priorities determined for amendments to the National Environmental Protection Measures (NEPM).	Already actioned and ongoing.
<p><b>Recommendation 21: Page 365</b> The Committee recommends that the Department of Environment requires Alcoa, as a licence condition, to inform the Department of Industry and Resources as well as the Department of Environment, when emission events occur.</p>	DoE DoIR	Government <b>supports</b> the intent of this recommendation, to the extent that details of emission event will continue to be made available to DoIR by DoE.  <i>Under the Environmental Protection Act 1986, the licensee can only be required to inform DoE's CEO when a licence exceedance occurs.</i>	Immediate
<p><b>Recommendation 22: Page 365</b> The Committee recommends that the Department of Health, as a matter of priority, derive a hazard index for locations near to Wagerup in order to assess the health risks caused by the cumulative impact of the very high number of chemicals mixed together in the emissions from Alcoa's refinery at Wagerup.</p>	DoH	Government <b>supports the intent</b> of this recommendation for a hazard index, which takes into account chemical mixtures. This will be derived for areas within the footprint of refinery emissions as part of an environmental health risk assessment to be undertaken by Alcoa.  The Department of Health recommends that surveys of the population in surrounding areas also be conducted to evaluate the broader health and social issues, which do not typically form a part of a traditional environmental health risk assessment.	Included in health risk assessment to be undertaken by Alcoa in 2005.
<p><b>Recommendation 23: Page 366</b> The Committee recommends that the regulatory regimes and practices relating to the:</p> <ul style="list-style-type: none"> <li>• Department of Industry and Resources;</li> <li>• Department of Environment; and</li> <li>• Department of Health,</li> </ul> <p>be reviewed to ensure that action is taken when worker or public health is harmed, or is likely to be harmed, by emissions from industrial facilities and that the exercise of such powers not be dependent on whether or not regulations, guidelines or licence conditions are being breached.</p>	DoIR DoE DoH	Government <b>supports</b> this recommendation to the extent that action is already taken when worker or public health is harmed or is likely to be harmed.	Already in place. Periodic review of outcomes achieved in specific cases will be undertaken.

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 24: Page 366</b></p> <p>The Committee recommends that the regular recording and auditing of workplace accidents and emission incidents be made a part of the safety and health regime of the Department of Industry and Resources. This information should be used for early identification of safety and health problems and for identifying whether existing safety and emission regulations are effective. The information should be publicly available.</p>	<p>DoIR</p>	<p>Government <b>supports in part</b> this recommendation.</p> <p>The Department has a very comprehensive accident reporting database AXTAT, which issues annual reviews of safety performance in the WA minerals industry. Information from this database is used to undertake statutory target inspections of specific areas of industry, plus undertake safety management system and high impact function audits.</p> <p>In addition the Department administers two further databases. CONTAM records and analyses the result from both company and inspector sampling of atmospheric contaminants (emissions) in the workplace. Additional programs and inspections are based on this database.</p> <p>The third database is the health surveillance program for mine employees (MINEHEALTH), which currently includes over 90,000 employees. Health information from this database has already been used to implement successful monitoring, planning and engineering programs designed to reduce employee exposure to noise throughout the mining industry.</p> <p>Limited access to appropriately qualified personnel has restricted DoIR's ability to analyse and identify emerging safety and health problems and to disseminate research findings.</p> <p>Employees are provided with the results of personal monitoring programs.</p> <p>For privacy reasons, an individual's health or exposure monitoring information is not made public without their written permission. However, once personal details are removed, aggregated data from each of our three systems is available and used by both the Department and the industry to identify and control health and safety problems.</p>	<p>Already actioned.</p>

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 25: Page 366</b> The Committee recommends that the Department of Industry and Resources be adequately funded to undertake the responsibilities referred to in Recommendation 24.</p>	Government	<p>Government <b>supports</b> this recommendation and has moved to ensure the safety and health responsibilities within DoIR are adequately resourced by providing an additional \$1million in the 2005/06 budget.</p> <p>This is a first step with the Mine Safety Division, Major Hazard Facilities and Dangerous Goods being transferred as a division of DoCEP, which is to prepare a case for the future structure and funding of these services.</p>	Already actioned.
<p><b>Recommendation 26: Page 366</b> The Committee recommends that the Government carry out a review of legislation and administrative procedures governing the engagement of consultants by government agencies to reduce the potential for conflict of interest.</p>	State Supply Commission	Government <b>supports</b> this recommendation to the extent that Government will continue to ensure that the procurement policies and administrative procedures that govern the engagement of consultants across Government reduce the potential for conflicts of interest.	Already actioned.
<p><b>Recommendation 27: Page 366</b> The majority of the Committee recommends that the Government review and report on the role of the Department of Industry and Resources as both regulator of mine safety and facilitator of mine developments with a view to determining whether such roles might be better addressed in separated agencies. The report of any review should be tabled in Parliament. Hons Bruce Donaldson and Robyn McSweeney MLCs dissented from this Recommendation.</p>	Government and DoIR	<p>Government <b>supports the intent</b> of this recommendation.</p> <p>The Minister for State Development has recently received the Report from a separate Ministerial Inquiry relating to the mining industry.</p> <p>From 1 July 2005 the DoIR responsibilities for Mine Safety, Major Hazard Facilities and Dangerous Goods are transferred to a new division of DoCEP with an inquiry to establish the means and benefits of it going to an independent Commission.</p>	Already actioned.
<p><b>Recommendation 28: Page 367</b> The majority of the Committee recommends that, in addition to the proposed amendments to the <i>Mines Safety and Inspection Act 1994</i> and the <i>Occupational Safety and Health Act 1984</i> (refer to paragraphs 9.214 to 9.221 of this report), the Government amend the legislative regime to require that all occupational safety and health matters in Western Australia come under one Act, namely the <i>Occupational Safety and Health Act 1984</i>. Hons Bruce Donaldson and Robyn McSweeney MLCs dissented from this Recommendation.</p>	DoCEP DoIR Government	<p>Government <b>supports the intent</b> of this recommendation.</p> <p>As a first step the Mines Safety and Inspection Amendment Act (2004), which became effective on 4 April 2005, aligns the MSIA with the Occupational Safety and Health Act.</p>	April 2005.

Recommendation	Responsibility	Response / Action Comment	Timing
<p><b>Recommendation 29: Page 367</b>  The Committee recommends that the Government review legislation and make necessary amendments to ensure that the Department of Health has a formal role in advising the Environmental Protection Authority in relation to the assessment of projects that may impact on public health.</p>	<p>DoH / EPA</p>	<p>Government <b>supports</b> the intent of this recommendation.</p> <p>Human health risk assessments are already a component of some environmental impact assessments and the DoH provides advice where appropriate.</p> <p>Ongoing high-level discussions are being held between the EPA and the DoH regarding the relationship of Health Impact Assessment (HIA) to environmental impact assessment and how that relationship may be formalised.</p> <p>A discussion paper will be prepared during 2005 once the key underlying principles pertaining to this complex matter have been established.</p>	<p>2005</p>

#### **4.0 GOVERNMENT RESPONSE TO MINORITY REPORT OF HON CHRISTINE SHARP MLC AND HON JIM SCOTT MLC**

The minority report of Hon Christine Sharp MLC and Hon Jim Scott MLC raised concerns regarding Committee Members being constrained from commenting on Alcoa's proposal to expand its existing Wagerup refinery with a third production unit (Wagerup Unit III expansion), because of the formal assessment process being undertaken by the Environmental Protection Authority (EPA).

It is important to clarify the Environmental Impact Assessment (EIA) process being undertaken is open to input from all stakeholders and no recommendations have been made by the EPA. A summary of the Wagerup Unit III expansion in the EIA process is detailed below:

- Alcoa referred its proposed expansion of the Wagerup refinery to the EPA on 15 June 2004.
- The EPA advertised the level of assessment for the Proposal as a Public Environmental Review (PER) on 21 June 2004.
- Based on public appeals the level of assessment was set at an Environmental Review and Management Programme (ERMP) on 16 July 2004, the highest level of EIA in Western Australia.
- A scoping document outlining the content of the ERMP was subsequently prepared by Alcoa and submitted to the EPA and made publicly available. The EPA sought public comment for a two week period ending 4 October 2004.
- This scoping document is now being finalised following public comment and will form the basis of the ERMP to be completed by Alcoa.
- When complete, the ERMP will be released for a 10 week public comment period. The ERMP is expected to be complete and submitted to the EPA in early 2005.
- Alcoa's response to public submissions will be sought prior to the EPA preparing its report and recommendations to the Minister for Environment. The EPA report and recommendations will be publicly available and a two week appeal period exists.
- The EPA report and recommendations, and appeals will be considered by the Minister for Environment before a decision is made.

In undertaking the ERMP assessment of Alcoa's proposed Wagerup Unit III expansion, the EPA is able to consider the evidence brought to and matters raised by the Committee. In this regard, the Committee Report has been brought to the EPA's attention for reference in its assessment of the Wagerup III expansion proposal.